



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6167 5646

November 24, 2008

Ms. Birgitta Corsello, Director
Solano County
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, California 94533

Dear Ms. Corsello:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and the State Water Resources Control Board conducted a program evaluation of the Solano County Department of Resource Management, Environmental Health Services Division Certified Unified Program Agency (CUPA) on August 26 and 27, 2008. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Solano County Environmental Health Services Division's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA Unified Program that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Jennifer Lorenzo every 90 days after the evaluation date. The first deficiency progress report is due on February 17, 2009.

Cal/EPA also noted during this evaluation that Solano County Environmental Health Services Division has worked to bring about a number of local program innovations, including its pollution prevention and green business programs. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Ms. Birgitta Corsello
November 24, 2008
Page 2

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc/Sent via Email:

Mr. Terry Schmidtbauer
Environmental Health Manager
Solano County Department of Resource Management
Environmental Health Services
675 Texas Street, Suite 5500
Fairfield, California 94533

Mr. Matthew Geisert
Hazardous Materials Supervisor
Solano County Department of Resource Management
Environmental Health Services
675 Texas Street, Suite 5500
Fairfield, California 94533

Ms. Jennifer Lorenzo
Cal/EPA Unified Program
P.O. Box 2815
Sacramento, California 95812-2815

Ms. Radhika Majhail
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

Ms. Birgitta Corsello
November 24, 2008
Page 3

cc/Sent via Email:

Mr. Fred Mehr
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

Ms. Marcele Christofferson
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Kevin Graves
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Ms. Terry Brazell
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Ms. Asha Arora
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Mr. Ben Ho
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Brian Abeel
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

ARNOLD SCHWARZENEGGER
GOVERNOR

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: SOLANO COUNTY DEPARTMENT OF RESOURCE MANAGEMENT

Evaluation Date: August 26 and 27, 2008

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo
OES: Radhika Majhail & Fred Mehr
SWRCB: Marcele Christofferson

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. Questions or comments can be directed to Jim Bohon at (916) 327-5097.

	<u>Deficiency</u>	<u>Corrective Action</u>
1	<p>The CUPA is unable to document that some facilities that have received a notice to comply for minor violations have returned to compliance within an established timeframe. Either the CUPA must provide the business with a self-certification form per its Inspection and Enforcement (I&E) Program Plan and ensure that the return to compliance (RTC) certification has been received in order to document compliance or, in the absence of compliance certification, the CUPA must use a follow-up process to confirm that compliance has been achieved.</p> <p>HSC, Chapter 6.5, Section 25187.8; and CCR, Title 27, Section 15200 [Cal/EPA]</p>	<p>This deficiency was corrected on November 6, 2008.</p> <p>The CUPA followed its I&E Program Plan and submitted several examples of RTC and complete follow-up report for hazardous waste generator and underground storage tank (UST) facilities.</p>
2	<p>The CUPA is not inspecting all its Permit-by-Rule (PBR), conditionally authorized (CA), conditionally exempt (CE) and household hazardous waste (HHW) facilities at least once every three years. Out of the 17 facilities, three facilities have not been inspected within the last three fiscal years:</p> <ul style="list-style-type: none">a. There is no record that the Travis Air Force Base facility at 916 Building in Travis AFB was ever inspected.b. There is no record that the Travis Air Force Base facility at 845 Building was ever inspected.c. Vacaville Sanitary Facility Recycling Center has	<p>This deficiency was corrected in September 2008.</p> <p>All PBR facilities, including HHW facilities, have been inspected within the last three fiscal years.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	not been inspected within the last three fiscal years. HSC, Chapter 6.5, Sections 25201.4 (b)(2) and CCR, Title 27, Section 15200 (a)(3) [Cal/EPA]	
3	During the oversight of the farm inspection under the business plan program, the Agricultural inspector did not review the facility training and emergency response programs. CCR, Title 19, Section 2731 [OES]	This deficiency was corrected at the time of the evaluation. The Solano County Agricultural Department revised their hazardous materials inspection checklist for farms; the facility training and emergency response programs have been incorporated in the inspection checklist.
4	The CUPA did not ensure that some businesses certify at least once every three years that they have reviewed their business plans and that necessary changes were made to the plan. Five of the twelve files reviewed did not have current business plans. HSC, Chapter 6.95, Section 25505 (c) [OES]	By February 17, 2009, the CUPA will submit an action plan outlining how the CUPA will correct this deficiency.
5	The CUPA does not currently collect all of the information shown on the revised UST forms, and is not requiring UST facility owner/operators to complete the new Unified Program Consolidated Forms (UPCF) A, B, and D as part of their annual inspections. Therefore, the CUPA does not have current information on the UST facility to determine if the owner or operator has met the monitoring requirements contained in the new monitoring plan (UPCF-D). HSC, Chapter 6.7, Section 25288 (a) [SWRCB]	By June 30, 2009, the CUPA will have collected all of the required information contained on the revised UST consolidated forms that became effective January 18, 2008.
6	Some of the plot plans in the UST facility files reviewed were absent or did not have all of the required elements. CCR Title 23, Sections 2632 (b);2632 (d)(1)(C) and 2641 (g) [SWRCB]	By August 26, 2009, the CUPA will ensure that each facility has submitted a plot plan and that it has all of the required elements.

CUPA Representative

(Print Name)

(Signature)

Cal/EPA Representative

Jim Bohon

(Print Name)

Original signed

(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations provided in this section address activities that are not specifically required of the CUPA by statute or regulation. The recommendations, if any, are provided for continuous improvement and it is the CUPA's decision whether or not to follow the recommendations.

1. **Observation:** The CUPA's I&E Program Plan contains outdated information on aboveground storage tank requirements.

Recommendation: Cal/EPA recommends that the CUPA update its I&E Program Plan to include the new information and requirements of the Aboveground Petroleum Storage Act (APSA) program per the timeline stated on the CUPA's APSA Grant Application.

2. **Observation:** Three facilities (Sutter Solano Medical Center in Vallejo, John Bruns Dental Office in Vallejo, and Ultimate Water Sports in Vacaville) were categorized as being regulated under the tiered permit (PBR, CA, and CE) program. However, according to the CUPA, these three facilities are not regulated under the TP program and were categorized incorrectly.

Recommendation: Cal/EPA recommends that the CUPA categorize the abovementioned facilities appropriately in its SWEEPS database. The CUPA should also periodically conduct a Quality Assurance-Quality Control of the data in its database to ensure its accuracy.

3. **Observation:** During the hazardous material business plan file review, a few files were missing the following:

- Signatures and dates on business owner/operator identification page;
- Dates on Annual Hazardous Materials Inventory page; and
- Hazardous component description for mixtures on Hazardous Materials Inventory – Chemical Description page.

Recommendation: OES recommends the CUPA to verify that the business plans are complete and accurate.

4. **Observation:** A line leak detector (LLD) test failed during an inspection and was noted in the comments section of a compliance report; the LLD was replaced and retested and passed. However, the inspection report did not show that this was a violation.

For Significant Operational Compliance (SOC) reporting purposes, the inspection report should reflect conditions at the beginning of the inspection, and this violation should have been noted as a violation for tracking purposes. There is a space on the inspection report to show that the violation was corrected, so that it would not become part of the return-to-compliance document.

Recommendation: The SWRCB recommends that the CUPA develop a procedure for verifying that SOC violations are tracked for reporting purposes.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

- 5. Observation:** SOC is not tracked for each UST inspection but by reviewing inspection reports/violation codes to determine status prior to preparing the Semi-Annual UST Program Report (Report 6).

Recommendation: The SWRCB recommends that the UST inspection checklist identify the SOC criteria. The SOC status for each inspection should be determined according to the four criteria (a, b, c, or d) at the end of each inspection and the results be entered in the CUPA's database or on a spreadsheet for easy retrieval.

- 6. Observation:** The local ordinance does not refer to compliance with chapter 6.75 of the Health and Safety Code or the California Code of Regulations title 23, division 3, chapter 18.

Recommendation: The SWRCB recommends that this reference be added during the next ordinance revision to the appropriate sections of the County Code.

- 7. Observation:** The CUPA's UST inspection report consists of the inspection checklist and a certification of return-to-compliance document. The inspection checklist can be improved to be more comprehensive. When reviewing inspection reports, the inspection comments did not always reflect how the violation was to be corrected, or it was unclear. In some cases there was no correlation between the violation codes and the violations noted in the correction section of the report, or between the inspection report and the return-to-compliance document.

Recommendation: The SWRCB would like to assist the CUPA in developing a more comprehensive checklist for use in an UST inspection. It may be useful if the CUPA used violation summaries such as Notice-to-Comply/Self Certification of Correction for minor violations and a Notice of Violation for Class II and Class I violations.

- 8. Observation:** There is a violation correction date in the CUPA's database for return-to-compliance for each violation, but it is not utilized by the CUPA. Currently, the CUPA must review each hard copy and electronic file in order to determine RTC.

Recommendation: The SWRCB recommends that the "Corrected" field in the violations section of the database be utilized in order to track return-to-compliance for each violation.

- 9. Observation:** The CUPA inspector conducted a thorough UST inspection and provided comments regarding the inspection on the inspection report form. The inspector stated that a file review was conducted prior to the site visit. The inspector obtained permission for the inspection from the facility representative. Violations were appropriately noted and designated when corrected on site. The inspector reviewed the violations and findings with the facility representative.

Recommendation: Provide a comment regarding the in-house file review on the inspection report to show that all required submittals were in compliance, or include these items on your checklist.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

10. Observation: The CUPA does not have a written process for review and approval of monitoring, response, and plot plans, although they are reviewed during the UST permit process; some submitted plans did not have all of the required details, for instance, all of the monitoring locations were not shown on the site map.

Recommendation: The SWRCB recommends that the CUPA develop standard procedures for reviewing these submittals for accuracy of information for all required elements and approving monitoring, response, and plot plans.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. Solano County CUPA has effectively continued to implement its enforcement program. During FY 05/06, the CUPA initiated and completed nine administrative enforcement orders (AEOs) against two business plan facilities, six UST facilities, one hazardous waste generator, and one large Resource Conservation Recovery Act quantity generator. Additionally, the CUPA referred two UST sites and three hazardous waste generator sites for prosecution to Solano County District Attorney's Office (DA). The CUPA collected a total of \$69,020 in fines and penalties.

In FY 06/07, the CUPA initiated and completed four AEO cases for business plan and UST violations, and also referred four business plan, one UST, and two hazardous waste facilities for prosecution by the DA. The CUPA collected \$45,093 in fines and penalties.

In the last fiscal year (FY 07/08), the CUPA has referred four sites to its DA for prosecution.

2. In the last three fiscal years, Solano County CUPA has exceeded the triennial inspection frequency for the business plan and hazardous waste generator programs, and also met their annual inspection frequency for the UST program. The CUPA has also continued to conduct storm water inspections at hazardous materials facilities for the Fairfield/Suisun Sewer District.
3. The hazardous materials business plan inspection of Supercenter Wal-Mart on August 25, 2008, was conducted in a professional manner. The CUPA inspector was very thorough by comparing the site map with the actual facility layout and discovered a few more sites for storage of hazardous materials which would have been missed otherwise. The CUPA is doing an excellent job.
4. The CUPA has consistently identified new facilities that would be subject to the hazardous materials and hazardous waste programs by several means. The CUPA uses city and county business license applications or lists, county building permit applications, and reports from the state hazardous waste tracking system. In addition, the CUPA periodically inspects businesses with thresholds below the business plan thresholds to verify compliance with the Unified Program.
5. During FY 06/07, in anticipation of the state APSA program being transferred from the state to the CUPA level, the CUPA developed aboveground storage tank (AST) draft inspection forms and data entry forms for its SWEEPS database. In addition, the CUPA was progressive and received cross training on federal AST requirements from Ms. Elizabeth Cox of U.S. Environmental Protection Agency in May 2006 and December 2007. The CUPA invited two other neighboring CUPAs (Napa County and Yolo County) at the December 2007 training.
6. As part of Solano County CUPA's pollution prevention activities, the CUPA is an active participant in the Association of Bay Area Governments Hazardous Waste Committee that discusses pollution prevention issues. The Solano County Department of Resource Management has also developed a Web site (www.recycle-guide.com) that identifies disposal options for small quantity and conditionally-exempt small quantity hazardous waste generators. The CUPA continues to participate in the annual coast and creek clean-up day in September.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

Additionally, Solano County CUPA, in coordination with the Solano County Recycle Coordinator, initiated a pilot project on Green Business Program. The CUPA provides technical support. Since the initiation of the pilot project in July 2007, about five businesses have been certified as “green businesses.”

7. The CUPA has begun addressing the conditionally exempt small quantity hazardous waste generators, such as dental offices or silver only facilities. The CUPA conducts inspections and surveys at facilities with less than the threshold quantities for the business plan program and coordinating inspection efforts with the Fairfield Suisun Sewer District and other Publicly-Owned Treatment Works (POTWs). The CUPA is also addressing the conditionally exempt small quantity generators through the Green Business Program efforts of the Solano County Recycling Coordinator, permitting HHW facilities that will take hazardous waste from small businesses, and answering questions over the phone from the conditionally exempt small quantity generators.
8. Solano County CUPA’s UST permit to operate is excellent. In addition to the Unified Program Facility Permit showing all of the programs applicable to the business, an "Underground Storage Tank Operating Permit Addendum" is attached. The addendum identifies the owner and operator, the designated operator, phone numbers, and complete tank identification information, including all monitoring requirements specific to the onsite tank systems. Also, the permit specifies monthly and annual testing requirements, and provides anniversary dates for these tests.